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Attorneys for Plaintiff
C.F.C., a minor, by and through
Christine F., his parent and guardian

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

C.F.C., minor, by and through CHRISTINE F., his
parent and guardian, on behalf of himself and all
others similarly situated,

Plaintiff,

vs.

POWER BALANCE LLC, a Delaware Limited
Liability Company,

Defendant.

Case No. 11-cv-0487-EMC

CLASS ACTION

**JOINT STIPULATION TO EXTEND ADR
AND CASE MANAGEMENT DEADLINES ;
ORDER**

Complaint Filed: February, 1 2011
Trial Date: None set

JOINT STIPULATION TO EXTEND ADR AND CASE MANAGEMENT DEADLINES

C.F.C., minor, by and through Christine F., his parent and guardian, (“Plaintiff”) and Power Balance LLC (“Defendant”) stipulate as follows:

WHEREAS, on March 25, 2011, plaintiff in a similar class action lawsuit, Andre Batungbacal, filed a Motion for Preliminary Approval of the nationwide class settlement reached between the plaintiff and Power Balance in the putative class action *Batungbacal v. Power Balance LLC*, No. SACV11-00018 (C.D. Cal. 2011) (“*Batungbacal* Action”). The *Batungbacal* Action is the first-filed of the Power Balance Actions and is pending before Judge Cormac J. Carney in the Central District of California. That motion was granted on April 27, 2011.

WHEREAS, final approval of the class settlement is presently set for September 19, 2011.

WHEREAS, the settlement purports to release the claims alleged in Plaintiff’s complaint, so final approval of the settlement in the *Batungbacal* action may partially or completely preclude Plaintiff’s claims.

WHEREAS, in the interest of judicial economy and the convenience of the parties, Plaintiff and Defendant have agreed to extend all ADR, Case Management and Discovery deadlines set pursuant to the Court’s February 1, 2011 Order Setting Initial Case Management Conference and ADR Deadlines until thirty (30) days after the Court’s ruling on the motion for final approval in the *Batungbacal* Action.

Accordingly, it is hereby stipulated and agreed as follows:

1. the deadline to file the Rule 26(f) report and a joint case management statement is extended from May 11, 2011 until October 19, 2011 or a date thereafter chosen by the Court; and
2. the initial case management conference is continued until October 26, 2011 or a date thereafter chosen by the Court; and
3. any other deadlines or dates previously imposed by the Court or by rule be extended or continued until a date after October 19, 2011.

This stipulation is made without prejudice to seek further additional time or other relief if necessary.

1 Dated: May 11, 2011

EAGAN AVENATTI, LLP

2
3 By: /s/ Michael J. Avenatti
4 Michael J. Avenatti
Attorneys for Defendants

5 Dated: May 11, 2011

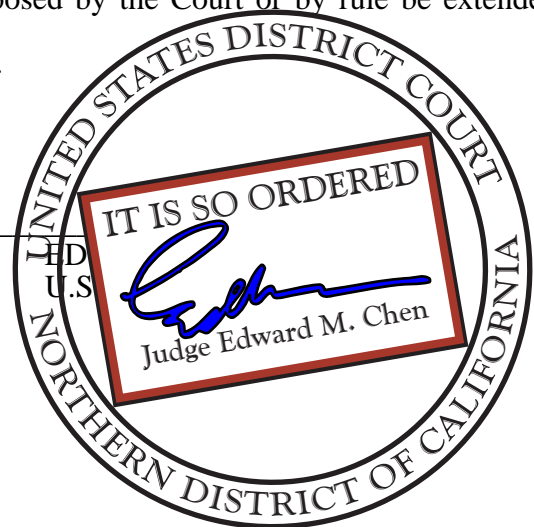
LEXINGTON LAW GROUP

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7 By: /s/ Mark Todzo
8 Mark Todzo
9 Attorneys for Plaintiff

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11 **PURSUANT TO THE STIPULATION OF THE PARTIES, IT IS HEREBY ORDERED**
12 **THAT:**

- 13 1. the deadline to file the Rule 26(f) report and a joint case management statement is extended
14 from May 11, 2011 until October 19, 2011 or a date thereafter chosen by the Court;
15 and
16 2. the initial case management conference is continued until October 26, 2011 or a date
17 thereafter chosen by the Court; and
18 3. any other deadlines or dates previously imposed by the Court or by rule be extended or
19 continued until a date after October 19, 2011.

20 **IT IS SO ORDERED:**



CERTIFICATE OF SERVICE

On May 11, 2011, I electronically submitted the foregoing document with the Clerk of Court for the U.S. District Court, Northern District of California, using the electronic case filing (“ECF”) system of the Court. All parties who have consented to electronic service will receive notice of this filing by operation of the ECF system. Any parties who have not consented to electronic service will receive a paper copy of this electronically filed document through the United States Postal Service.

/s/ Mark N. Todzo

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